

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

Kevin Turner and Shawn Wooden, on behalf of
themselves and others similarly situated,

Plaintiffs

v.

National Football League and NFL Properties, LLC,
successor-in-interest to NFL Properties, Inc.,

Defendants.

No. 2:12-md-02323-AB
MDL No. 2323

ORDER

AND NOW, on this _____ day of _____, 2020, having considered the Motion for Relief Under Article XXVII of the Settlement Agreement or for Relief from Judgment, the brief in support thereof, and Defendants' opposition thereto, IT IS HEREBY ORDERED AND DECREED that:

1. For purposes of all future claims for compensation and any appeals therefrom, the Settlement Agreement does not require clinicians to use or presume the use of race-norming when measuring a retired player's cognitive status or decline, and the use of race-norming to the detriment of Black former players is unlawful;
2. The Claims Administrator shall issue guidance documents to all clinicians who make diagnoses for purposes of the Settlement Agreement stating that: (a) the Settlement Agreement does not require or recommend the use of race-norming; and (b) all of the neurocognitive tests identified in the Settlement Agreement must be scored in such a way that does not use race-normed data or race-based statistical techniques to the detriment of Black former players;

3. The use of any such race-normed data or race-based statistical techniques to the detriment of Black former players is enjoined in the claims administration process;
4. Any retired player who has previously undergone neurocognitive testing for the purpose of seeking compensation under the Settlement Agreement, and who has been subjected to unfavorable race-based scoring, may choose to have his test scores recalculated using his existing raw scores, without race-norming, and may submit a claim for compensation using the new scores, which will be treated as though it had been submitted at the time of his prior testing; and
5. Movants' counsel is appointed as special class counsel to oversee the above-referenced relief and any associated changes to the Settlement Agreement, and an appropriate award of attorney's fees and expenses is authorized from the Monetary Award Fund.

IT IS SO ORDERED.

BY THE COURT:

The Honorable Anita B. Brody
United States District Judge